

ARTICLE 44:02

LODGING AND FOOD SERVICE

Chapter

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CHAPTER 44:02:02

HOTELS

Section

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Appendix A List of Reportable Diseases, repealed, 23 SDR 75, effective November 19, 1996.

44:02:02:00. Definitions. Words defined by SDCL 34-18-1 have the same meaning when used in this chapter. In addition, the terms used in this chapter mean:

(1) "Approved," acceptable to the Department of Health based on compliance with applicable standards and public health practices;

(2) "Communicable disease," as defined in § 44:20:01:01;

(3) "Community water system," a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents;

(4) "Continental Breakfast," a breakfast meal provided by the lodging establishment which

consists of food products requiring no food preparation. Foods products shall consist of whole fresh fruits, dry cereal, bread, muffins, bagels and prepackaged pastries or baked products purchased from a licensed food service establishment;

(4 ~~5~~) "Designated agent," a municipal, county, or district health department which has been organized under SDCL chapter 34-3 and § 9-32-1 and has been designated as an agent of the secretary as provided in SDCL 34-18-7;

(~~5~~ 6) "EPA-certified laboratory," a laboratory that meets the requirements outlined in chapter 74:04:07;

(7) "Food Preparation," mixing, blending, smoking, curing, decorating, frosting, cooking, slicing or changing the physical characteristics of food products;

(~~6~~ 8) "Guest," an occupant of a rental unit of a lodging establishment;

(~~7~~ 9) "Guest room," any room used or intended to be used by a guest for sleeping purposes;

(~~8-10~~) "Health hazard," a chemical agent, source of filth, cause of sickness, or condition which is a health threat to others or a threat to the public health;

(11) "Hotel," any hotel, motel, lodge, resort, cabins, building, or buildings with more than ten rental units which is used to provide sleeping accommodations for charge to the public;

(9 ~~12~~) "Inspection," an objective examination of a lodging establishment by the department to review the employee practices, sanitary conditions, and health standards in accordance with SDCL chapter 34-18 and this chapter;

(~~10~~ 13) "Noncommunity water system," a public water system that is not a community water system and regularly serves a transient population of 25 or more people each day;

(14) "Operator," any person or organization designated in charge of the day to day operations of a lodging establishment, campground, or food service establishment as defined in 34-18-1.

Source: 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:02:03. Water supply. The owner must provide an accessible, adequate, and safe supply of water to a hotel. If a community water system of the quantity, quality, and pressure approved by the Department of Environment and Natural Resources is available, connection must be made to it and its supply used exclusively. The owner of a noncommunity water system or private water system which serves a transient population of less than 25 people each day must submit water samples monthly to an EPA-certified laboratory for bacteriological analysis while the hotel is in operation. The owner must submit a nitrate test of the water supply system yearly. The owner must report any unsafe water sample to the department within three days. When an unsafe drinking water sample is reported, the facility must provide two consecutive safe water samples prior to allowing public to use the private water supply. The water supply must be of sufficient quantity to meet the maximum daily demand.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: Water hygiene, art 74:04.

44:02:02:05. Ice. Ice must be manufactured, stored, transported, and handled in a manner approved by the department. Processes and controls must be designed and monitored to ensure that neither the product nor the product area is subject to contamination. ~~Ice must be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic self-service ice-dispensing equipment. Ice-dispensing utensils must be stored on a clean surface or in the ice with the dispensing handle extending out of the ice. Scooping of ice with a cup, glass, or similar container is prohibited. Ice storage bins must be drained through an air gap. When existing ice storage bins in areas accessible to the public are replaced, automatic~~ Automatic self-service ice-dispensing equipment must be used when accessible to the public.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References: Food service establishments, ch 44:02:01 ~~44:02:07~~; State Plumbing Code, art 20:54.

44:02:02:08. Guest room toilet and bathing facilities. Each hotel must provide toilet, lavatory, and bathing facilities. In establishments providing toilet, lavatory, and bathing facilities shared by more than one guest room, the facilities must be provided in the ratio of one water closet, lavatory, and shower or tub or bathtub/shower combination ~~restroom~~ for each ten guests, must be provided separately for each sex, and must be available on each floor. To determine the number of guests, a ~~single~~ one bed unit is designated for two people, and a ~~double~~ two bed unit is designated for four people. Soap, toilet tissue, and clean washcloths and towels must be provided for each guest or guest room. All facilities must be provided with hot and cold running water under pressure to each lavatory, shower, bathtub, and shower/bathtub combination must be at a minimum of 110 degrees Fahrenheit and at a maximum temperature of 120 degrees Fahrenheit at the tap. Showers, bathtub and bathtub/shower combination shall be provided with individual control valves of the pressure balance, thermostatic or combination pressure balance/thermostatic mixing valve type that provide scald and thermal shock protection. Temperature of hot water at lavatories can not exceed 120 degrees Fahrenheit at a maximum temperature of 120 degrees Fahrenheit at the tap. Bathing or shower facilities must have a nonslip floor surface, such as a manufactured nonslip bathtub or shower unit, a rubberized throw mat, or adhesive-backed nonslip strips. All toilets, lavatories, and bathing fixtures must be kept clean, sanitary, and in good repair ~~when the guest room is in use and between stays of different guests.~~ Restroom fixtures are cleaned and sanitized at a minimum between guest stays.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References: State Plumbing Code, art 20:54; ~~1994 Uniform Building Code~~, 2006 International Building Code § 2902.6.

44:02:02:10. Vermin control. Hotels must be constructed, equipped, and maintained to prevent the entrance, harborage, or breeding of flies, roaches, rats, mice, bed bugs, and all other insects and vermin. Specific means necessary for the elimination of such pests, such as cleaning, renovation, or fumigation, must be used. The department may require the facility to hire a professional exterminator to exterminate pests under the following conditions:

(1) The infestation is so extensive that it is unlikely that a nonprofessional can eradicate the pests effectively;

(2) The method of extermination of choice can only be carried out by a professional exterminator;

(3) ~~Upon reinspection, the~~ The department finds that an establishment has not been brought into compliance with a prior order to rid the establishment of pests.

Regularly scheduled professional extermination services will be required following the determination of an excessive pest infestation by the department.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:02:11. Condition of floors, walls, and ceilings. The floors, walls, and ceilings of each hotel must be kept clean, in good repair, and in a sanitary condition at all times. The use of carpeting in toilet rooms, ~~and~~ bathing facilities or food preparation, and serving areas is prohibited.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:02:12. Lighting. All rooms and areas used by guests and all other rooms or spaces in which lighting is essential to the efficiency and safety of the business operation must be well lighted. A minimum of 10 foot candles of nonglare light must be provided on all surfaces. Those areas used for reading, shaving, or application of cosmetics must be provided with a minimum of ~~20~~ 30 foot candles of light.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:02:13. Ventilation. Bathrooms, toilet rooms, and laundry rooms must be provided with either natural ventilation or mechanical ventilation connected directly to the outside. Mechanical clothes dryers must be vented to the outside air. When vented to the outside air, the discharge may not create a health hazard.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References: ~~1991 Uniform Building Code, § 1205; 1991 Uniform Mechanical Code, § 1104.~~ 2006 International Building Code

44:02:02:14. Heating equipment. Each facility must have a heating system capable of maintaining a temperature between 65 degrees Fahrenheit and 75 degrees Fahrenheit. ~~The heating system~~ Any heating equipment, if fuel-burning, must be inspected at least once a year by a person in the business of heating system maintenance (which includes hot water heaters, primary heating sources, and secondary heating sources). A written verification of the inspection must be kept on file in the facility with the date of inspection, a written statement by the person making the inspection, and that person's signature.

Cross-References:

~~1991 Uniform Building Code, § 1212.~~

~~Electrical Installations, ch 20:44:05.~~

~~1991 Uniform Mechanical Code, Part III.~~

~~1991 Uniform Fire Code, § 11.404.~~

2006 International Building Code

44:02:02:17. Cleanliness and storage of equipment and utensils. Glasses, pitchers, ice buckets, and other utensils used for ice, food, or drink ~~for use~~ by guests must be washed, rinsed, and sanitized between guests. All cleaners, sanitizers, and disinfectants must comply

with 40 C.F.R. § 180.940. 21 C.F.R. § 178.1010 (April 1, 1993). The washing and sanitizing facilities must be provided as follows:

(1) Utensils must be washed, rinsed, and sanitized manually utilizing a three step process. Sink compartments must be large enough to permit the accommodation of the equipment and utensils. Each compartment of the sink must be supplied with hot and cold potable running water. Drain boards must be provided for the air drying of the sanitized utensils;
or

(2) Utensils must be washed, rinsed, and sanitized by the use of a chemical or hot water sanitizing ware washing machine. When a home style ware washing machines is utilized, the sanitizing water temperature must attain a minimum of 150 degrees Fahrenheit. All utensils must be allowed to air dry.

After washing and sanitizing, all ~~and until use, all contact surfaces of equipment and~~ utensils must be wrapped, sealed, or stored in a manner that protects them from contamination.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:02:18. Single-service items. Hotels which do not have facilities for cleaning and sanitizing utensils that meet the requirements in chapter 44:02:01 44:02:02:17 shall use single-service articles. All single-service articles must be stored, handled, and dispensed in a sanitary

manner and may be used only once. The use of common drinking containers in public places is prohibited. Single-service articles must be made from clean, sanitary, and safe materials.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: Food service establishments, ch 44:02:01, 44:02:07.

44:02:02:19. Bedding and linen. Hotels must furnish each guest with clean sheets and pillow cases for the bed, bunk, or cot to be occupied by the guest. Sheets must be of sufficient width and length to cover the mattress completely. All bath linen, sheets, and pillow cases used by one guest must be washed and mechanically dried before being furnished to another guest. All bedding, including mattresses, mattress pads, quilts, blankets, pillows, sheets, and spreads, and all bath linen must be kept clean, in good repair, and stored in a sanitary manner. Separate laundry containers must be provided for clean and soiled laundry. Soiled linens, uniforms, and other garments must be kept separate from clean linens to prevent cross-contamination. All clean linens must be stored on smooth, nonabsorbent, cleanable surfaces located a minimum of six inches above the floor.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:02:20. Housekeeping. All parts of the hotel and its premises must be kept neat, clean, and free from litter and rubbish. ~~Operations~~ Housekeeping operations or conditions may not constitute a health hazard. Cleaning operations must be conducted in a manner which minimizes contamination of facilities. A sanitizer and/or disinfectant must be used on all contact surfaces in toilet, bathroom, and bathing facilities to prevent the spread of disease. Cleaning equipment, supplies, insecticides, paints, and other toxic or hazardous products may not be stored above or next to linens. All cleaners, sanitizers, and disinfectants must comply with ~~24 C.F.R. § 178.1010 (April 1, 1993)~~ 40 C.F.R. § 180.940. An ingredient label and "direction for use" label on each chemical being used must be readily available for reference or inspection. All containers used for dispensing these chemicals must be prominently and distinctively labeled for identification of contents. The use of carpeting in toilet rooms, bathing facilities, and kitchens is prohibited.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:02:22. Water recreation facilities. All water recreation facilities, including swimming pools, spas, and water slides operated by a hotel and used by guests or the public, must be designed, constructed, and maintained using the "Recommended Standards for Swimming Pool Design and Operation," ~~1982~~ 1996 edition, ~~and "Suggested Health and Safety Guidelines for Public Spas and Hot Tubs," 1985 revised edition.~~

The owner/operator of a swimming pool, spa, or other water recreational facility must collect and submit at least one water sample weekly for each swimming pool, spa, or other

water recreational facility under the owner/operators control to an EPA-certified laboratory for bacteriological analysis. The owner/operator must report any unsafe water sample test results to the department within three days after receipt of such test results. Upon the receipt of a positive water sample the owner/operator of the facility must submit two consecutive negative samples prior to allowing guest use of the water recreational facility. A colorimetric test kit is required for the monitoring and adjusting of disinfectant levels and pH in swimming pool, spa, or other water recreational facilities. A daily log of disinfectant levels and pH must be maintained by the owner/operator of the facility.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: ~~ANSI/NSPI-1 1991, "Standard for Public Swimming Pools," 1991 edition.~~

References:

"Recommended Standards for Swimming Pool Design and Operation," ~~1982~~ 1996 edition, Great Lakes-Upper Mississippi River Board of State Sanitary Engineers. Copies are available from Health Education Service, P.O. Box 7126, Albany, NY 12224. ~~Cost: \$6.~~

~~"Suggested Health and Safety Guidelines for Public Spas and Hot Tubs," 1985 revised edition, U.S. Department of Health and Human Services. Copies available from U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Center for Environmental Health, Atlanta, GA 30333. Cost: Free.~~

44:02:02:25. Continental breakfast requirements. All utensils used in the serving of foods must be cleaned and sanitized on a routine basis. The establishment must provide a minimum of a two compartment sink or a sanitizing ware washing machine for the washing, rinsing and sanitizing of utensils. Separate hand washing facilities must be accessible for employees engaged in assembly and servicing of the breakfast area. Facilities may be provided for the warming or toasting of a food item. Hot holding of food items is prohibited. Only single service utensils shall be provided for guest use. Properly cooled and dispensed milk and juice products are allowed. Fresh fruits must be provided to guests intact. No slicing or peeling of fruit is allowed. Lodging establishments which exceed these requirements must obtain a valid Food Service Establishment License in accordance with SDCL 34:18 and ARSD 44:02:07.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

CHAPTER 44:02:05

SPECIALTY RESORTS

Section

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44:02:05:21	Mechanical cleaning and sanitizing.
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44:02:05:24	Annual license fee.
<u>44:02:05:25</u>	<u>Cleanliness and storage of utensils.</u>
<u>44:02:05:26</u>	<u>Single-service items.</u>

44:02:05:01. Definitions. Words defined in SDCL 34-18-1 have the same meaning when used in this chapter. In addition, the terms used in this chapter mean:

(1) "Approved," acceptable to the Department of Health based on compliance with applicable standards and public health practices;

(2) "Communicable disease," as defined in § 44:20:01:01;

(3) "Community water system," a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents;

(4) "Designated agent," a municipal, county, or district health department which has been organized under SDCL chapter 34-3 and § 9-32-1 and has been designated as an agent of the secretary as provided in SDCL 34-18-7;

(5) "EPA-certified laboratory," a laboratory that meets the requirements outlined in chapter 74:04:07;

(6) "Guest," an occupant of a rental unit of a lodging establishment;

(7) "Guest room," any room used or intended to be used by a guest for sleeping purposes;

(8) "Health hazard," a chemical agent, source of filth, cause of sickness, or condition which is a health threat to others or a threat to the public health;

(9) "Inspection," an objective examination of a lodging establishment by the department to review the employee practices, sanitary conditions, and health standards in accordance with SDCL chapter 34-18 and this chapter;

(10) "Noncommunity water system," a public water system that is not a community water system and regularly serves a transient population of 25 or more people each day;

(11) "Operator," any person, or organization designated in charge of the day to day operations of a lodging establishment, campground, or food service establishment as defined in 34-18-1;

(~~14~~ 12) "Potentially hazardous food," a food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, whipped butter, or whipped margarine, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (A_w) value of 0.85 or less;

(~~12~~ 13) "Specialty resort," any bed and breakfast establishment except a bed and breakfast establishment as defined in § 44:02:06:01, lodge, dude ranch, resort, building, or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten rental units for up to an average of twenty guests per night and in which meals are provided to only the guests staying at the specialty resort.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:05:04. Water supply. The owner must provide an accessible, adequate, and safe supply of water to a specialty resort. If a community water system of the quantity, quality, and

pressure approved by the Department of Environment and Natural Resources is available, connection may be made to it and its supply used exclusively. The owner of a noncommunity water system or private water system which serves a transient population of less than 25 people each day must submit water samples quarterly to an EPA-certified laboratory for bacteriological analysis while the specialty resort is in operation. The owner must submit a water sample for nitrate analysis yearly. The owner must report any unsafe water sample to the department within three days. When an unsafe drinking water sample is reported, the facility must provide two consecutive safe water samples prior to allowing public to use the private water supply. The water supply must be of sufficient quantity to meet the maximum daily demand. The use of common drinking containers in public places is prohibited.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: Water hygiene, art 74.04.

44:02:05:05. Ice. Ice must be manufactured, stored, transported, and handled in a sanitary manner. Processes and controls must be designed and monitored to ensure that neither the product nor the product area is subject to contamination. Ice must be dispensed with scoops, tongs, or other ice-dispensing utensils or through automatic self-service ice-dispensing equipment. Ice-dispensing utensils must be stored on a clean surface or in the ice with the dispensing handle extending out of the ice. Scooping of ice with a cup, glass, or similar container is prohibited. Ice storage bins must be drained through an air gap. ~~When existing ice storage bins in areas accessible to the public are replaced, automatic self-service ice-~~

~~dispensing equipment must be used.~~ Automatic self-service ice-dispensing equipment must be used when accessible to the public. Bagged ice from an approved source is acceptable.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References:

Food service establishments, ch 44:02:01.

State Plumbing Code, art 20:54.

Water hygiene, art 74:04.

44:02:05:06. Guest room toilet and bathing facilities. Each specialty resort must provide toilet, lavatory, and bathing facilities. In establishments providing toilet, lavatory, and bathing facilities shared by more than one guest room, the facilities must be provided in the ratio of one water closet, lavatory, and shower or bathtub or bathtub/shower combination ~~restroom~~ for every ten guests. To determine the number of guests, a ~~single~~ one bed unit is designated for two people, and a ~~double~~ two bed unit is designated for four people. Soap, toilet tissue, and clean washcloths and towels must be provided for each guest or guest room. All facilities must be provided with hot and cold running water under pressure to each lavatory, shower, bathtub, and shower/bathtub combination must be at a minimum of 110 degrees Fahrenheit and at a maximum temperature of 120 degrees Fahrenheit at the tap. Showers, bathtub and bathtub/shower combination shall be provided with individual control valves of the pressure balance, thermostatic or combination pressure balance/thermostatic mixing valve type that provide scald and thermal shock protection. Temperature of hot water at lavatories can not exceed 120 degrees Fahrenheit ~~at a maximum temperature of 120 degrees Fahrenheit at the~~

~~tap~~. Bathing or shower facilities must have a nonslip floor surface, such as a manufactured nonslip bathtub or shower unit, a rubberized throw mat, or adhesive-backed nonslip strips. All toilets, lavatories, and bathing fixtures must be kept clean, sanitary, and in good repair ~~when the guest room is in use and between stays of different guests.~~ Restroom fixtures are cleaned and sanitized at a minimum between guest stays. ~~Restroom fixtures are cleaned and sanitized daily.~~

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References: State Plumbing Code, art 20:54; ~~1994 Uniform Building Code~~, 2006 International Building Code § 2902.6.

44:02:05:08. Vermin control. A specialty resort must be constructed, equipped, and maintained to prevent the entrance, harborage, or breeding of flies, roaches, rats, mice, and all other insects and vermin. Specific means necessary for the elimination of such pests, such as cleaning, renovation, or fumigation, must be used. The department may require the facility to hire a professional exterminator to exterminate pests under the following conditions:

(1) The infestation is so extensive that it is unlikely a nonprofessional can eradicate the pests effectively;

(2) The chosen method of extermination can only be carried out by a licensed professional exterminator;

(3) ~~Upon reinspection, the~~ The department finds evidence that an infestation is still present and the establishment has not taken proper steps to eliminate the vermin problem.

Regularly scheduled professional extermination services will be required following the determination of an excessive pest infestation by the department.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:05:09. Lighting. All rooms and areas used by guests and all other rooms or spaces in which lighting is essential to the efficiency and safety of the business operation must be well lighted. A minimum of 10 foot candles of nonglare light must be provided on all surfaces. Those areas used for reading, shaving, or application of cosmetics must be provided with a minimum of ~~20~~ 30 foot candles of light.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:05:10. Ventilation. Bathrooms, toilet rooms, and laundry rooms must be provided with either natural ventilation or mechanical ventilation connected directly to the outside. Mechanical clothes dryers must be vented to the outside air. When vented to the outside air, the discharge may not create a health hazard.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: ~~1994 Uniform Building Code~~ 2006 International Building Code,

§ 1203.3.

44:02:05:11. Heating equipment. Each facility must have a heating system capable of maintaining a temperature between 65 degrees Fahrenheit and 75 degrees Fahrenheit. ~~The heating system~~ Any heating equipment, if fuel-burning, must be inspected at least once a year by a person in the business of heating system maintenance (which includes hot water heaters, primary heating sources, and secondary heating sources). A written verification of the inspection must be kept on file in the facility with the date of inspection, a written statement by the person making the inspection, and that person's signature.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: ~~1994 Uniform Building Code~~, 2006 International Building Code

§ 310.11.

44:02:05:12. Bedding and linen. A specialty resort must furnish each guest with clean sheets and pillow cases for the bed, bunk, or cot to be occupied by the guest. Sheets must be of sufficient width and length to cover the mattress completely. All bath linen, sheets, and pillow cases used by one guest must be washed and mechanically dried before being furnished to another guest. All bedding, including mattresses, mattress pads, quilts, blankets, pillows, sheets, and spreads, and all bath linen must be kept clean, in good repair, and stored in a sanitary manner. Separate laundry containers must be provided for clean and soiled laundry. Soiled linens, uniforms, and other garments must be kept separate from clean linens to prevent

cross-contamination. All clean linens must be stored on smooth, nonabsorbent, cleanable surfaces located a minimum of six inches above the floor.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:05:13. Housekeeping -- Maintenance of premises. All parts of the specialty resort and its premises must be kept neat, clean, in good repair, and free from litter and rubbish. Housekeeping operations and conditions may not constitute a health hazard. Cleaning operations must be conducted in a manner which minimizes contamination of facilities. A sanitizer and or disinfectant must be used on all contact surfaces to prevent the spread of disease. All cleaners, sanitizers, and disinfectants must comply with 40 C.F.R. § 180.940. Cleaning equipment, supplies, insecticides, paints, and other toxic or hazardous products must be stored in a manner to minimize health risks. An ingredient label and "direction for use" label on each chemical being used must be readily available for reference or inspection. All containers used for dispensing these chemicals must be prominently and distinctively labeled for identification of contents. The use of carpeting in toilet rooms, bathing facilities, and kitchens is prohibited.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:05:15. Water recreation facilities. All water recreation facilities, including swimming pools, spas, and water slides operated by a specialty resort and used by guests or

the public, must be designed, constructed, and maintained using the "Recommended Standards for Swimming Pool Design and Operation," 1982 1996 edition, ~~and "Suggested Health and Safety Guidelines for Public Spas and Hot Tubs," 1985 revised edition.~~

The owner/operator of a swimming pool, spa, or other water recreational facility must collect and submit at least one water sample weekly for each swimming pool, spa, or other water recreational facility while in use under the owner/operator 's control to an EPA-certified laboratory for bacteriological analysis. The owner/operator must report any unsafe water sample test results to the department within three days after receipt of such test results. Upon the receipt of a positive water sample the owner/operator of the facility must submit two consecutive negative samples prior to allowing guest use of the water recreational facility. A colorimetric test kit is required for the monitoring and adjusting of disinfectant levels and pH in a swimming pool, spa, or other water recreational facilities. A ~~daily~~ weekly log of disinfectant levels and pH must be maintained by the owner/operator of the facility.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: ~~ANSI/NSPI-1 1991, "Standard for Public Swimming Pools," 1991 edition.~~

References:

"Recommended Standards for Swimming Pool Design and Operation," 1982 1996 edition, Great Lakes-Upper Mississippi River Board of State Sanitary Engineers. Copies are available from Health Education Service, P.O. Box 7126, Albany, NY 12224. ~~Cost: \$6.~~

~~"Suggested Health and Safety Guidelines for Public Spas and Hot Tubs," 1985 revised edition, U.S. Department of Health and Human Services. Copies available from U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Center for Environmental Health, Atlanta, GA 30333. Cost: Free.~~

44:02:05:17. Potentially hazardous foods. Potentially hazardous foods requiring cooking must be cooked to heat all parts of the food to a temperature of at least ~~140~~ 135 degrees Fahrenheit. The food must be held at that temperature until it is served or it must be immediately refrigerated and held at ~~45~~ 41 degrees Fahrenheit or below, with the exception of the following:

(1) Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruptions of the cooking process;

(2) Pork and any food containing pork must be cooked to heat all parts of the food to at least ~~150~~ 145 degrees Fahrenheit;

(3) Roast beef ~~and cooked beef~~ must be prepared by a cooking procedure that produces a minimum temperature of 130 degrees Fahrenheit in all parts for a minimum of 2 hours of each roast unless otherwise ordered by the immediate consumer;

(4) All ground meats must be cooked to heat all parts of the food to at least 155 degrees Fahrenheit;

(5) Wild game meats must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit;

(6) Potentially hazardous foods which are cooked and then refrigerated must be reheated rapidly to 165 degrees Fahrenheit or higher throughout before serving or must be placed in a hot food storage facility. Steam tables, bains-marie, warmers, and similar facilities for holding hot foods may not be used for the rapid reheating of potentially hazardous foods.

Noncorrosive metal stem-type numerically scaled indicating thermometers accurate to ± 3 degrees Fahrenheit must be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-25.

44:02:05:18. Thawing potentially hazardous foods. Potentially hazardous foods must be thawed in the following manner:

(1) In refrigerated units at a temperature not over ~~45~~ 41 degrees Fahrenheit;

(2) Under potable running water of a temperature of 70 degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;

(3) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

(4) As part of the conventional cooking process.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-25.

44:02:05:22. Hand washing. A ~~designated separate~~ hand washing sink must be provided in the food preparation area. ~~Through June 30, 2000, if a separate hand washing sink is not available, one of the following options may be used:~~

~~(1) A sink from a two-compartment sink may be designated as the hand washing sink if a dishwasher is used for washing all utensils and equipment; or~~

~~(2) The wash sink of a three-compartment sink may be designated as the hand sink for hand washing purposes.~~

~~By July 1, 2000, the food preparation area in all specialty resorts must have a physically separate hand sink for hand washing purposes.~~

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-25.

44:02:05:25. Cleanliness and storage of utensils. Glasses, pitchers, ice buckets, and other utensils used for ice, food, or drink by guests must be washed, rinsed, and sanitized between guests. All cleaners, sanitizers, and disinfectants must comply with 40 C.F.R. § 180.940. The washing and sanitizing facilities must be provided as follows:

(1) Utensils must be washed, rinsed, and sanitized manually utilizing a three step process. Sink compartments must be large enough to permit the accommodation of the equipment and utensils. Each compartment of the sink must be supplied with hot and cold potable running water. Drain boards must be provided for the air drying of the sanitized utensils;
or

(2) Utensils must be washed, rinsed, and sanitized by the use of a chemical or hot water sanitizing ware washing machine. When a home style ware washing machines is utilized, the sanitizing water temperature must attain a minimum of 150 degrees Fahrenheit. All utensils must be allowed to air dry.

After washing and sanitizing all utensils must be wrapped, sealed, or stored in a manner that protects them from contamination.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:05:26. Single-service items. Specialty resorts which do not have facilities for cleaning and sanitizing utensils that meet the requirements in chapter 44:02:05:25 shall use single-service articles. All single-service articles must be stored, handled, and dispensed in a sanitary manner and may be used only once. The use of common drinking containers in public places is prohibited. Single-service articles must be made from clean, sanitary, and safe materials.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994; 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: Food service establishments, ch 44:02:07.

CHAPTER 44:02:06

BED AND BREAKFAST ESTABLISHMENTS

Section

- 44:02:06:01 Definitions.
- 44:02:06:02 Employee health and disease control.
- 44:02:06:03 Employee cleanliness.
- 44:02:06:04 Water supply.
- 44:02:06:05 Ice.
- 44:02:06:06 Toilet and bathing facilities.
- 44:02:06:07 Garbage and rubbish storage and disposal.
- 44:02:06:08 Vermin control.

44:02:06:09	Lighting.
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44:02:06:12	Bedding and linen.
44:02:06:13	Housekeeping.
44:02:06:14	Hazardous condition.
44:02:06:15	Water recreation facilities.
44:02:06:16	Food supplies.
44:02:06:17	Potentially hazardous foods.
44:02:06:18	Thawing potentially hazardous foods.
44:02:06:19	Food protection.
44:02:06:20	Pets.
44:02:06:21	Inspection of registered bed and breakfast establishments.

44:02:06:01. Definitions. Words defined in SDCL 34-18-1 have the same meaning when used in this chapter. In addition, the terms used in this chapter mean:

(1) "Approved," acceptable to the Department of Health based on compliance with applicable standards and public health practices;

(2) "Bed and breakfast establishment," any building or buildings run by an operator which is used to provide accommodations for a charge to the public, with at most five rental units for up to an average of ten guests per night and in which family style meals are provided;

(3) "Communicable disease," as defined in § 44:20:01:01;

(4) "Community water system," a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents;

(5) "Designated agent," a municipal, county, or district health department which has been organized under SDCL chapter 34-3 and SDCL 9-32-1 and has been designated as an agent of the secretary as provided in SDCL 34-18-7;

(6) "EPA-certified laboratory," a laboratory that meets the requirements outlined in chapter 74:04:07;

(7) "Guest," an occupant of a rental unit of a lodging establishment;

(8) "Guest room," any room used or intended to be used by a guest for sleeping purposes;

(9) "Health hazard," a chemical agent, source of filth, cause of sickness, or condition which is a health threat to others or a threat to the public health;

(10) "Inspection," an objective examination of a lodging establishment by the department to review the employee practices, sanitary conditions, and health standards in accordance with SDCL chapter 34-18 and this chapter;

(11) "Operator," any person, or organization designated in charge of the day to day operations of a lodging establishment, campground, or food service establishment as defined in 34-18-1;

(~~44~~ 12) "Noncommunity water system," a public water system that is not a community water system and regularly serves a transient population of 25 or more people each day;

(~~42~~ 13) "Potentially hazardous food," a food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, whipped butter, or whipped margarine, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (A_w) value of 0.85 or less;

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:06:02. Employee health and disease control. A person while affected with any disease in a communicable form, while a carrier of such a disease, or while afflicted with boils, infected wounds, sores, or an acute respiratory infection may not work in any area of a bed and breakfast establishment in any capacity in which there is a likelihood of the person contaminating equipment with pathogenic organisms or transmitting disease to other individuals. If the owner or operator of the establishment has knowledge of any employee who has contracted a communicable disease as listed in §§ 44:20:01:03 and 44:20:01:04 or has become a carrier of such a disease, the owner or operator shall notify the department immediately.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References: State Plumbing Code, art 20:54; ~~1994 Uniform Building Code~~ 2006 International Building Code, § 2902.6.

44:02:06:04. Water supply. The owner must provide an accessible, adequate, and safe supply of water to a bed and breakfast establishment. If a community water system of the quantity, quality, and pressure approved by the Department of Environment and Natural Resources is available, connection may be made to it and its supply used exclusively. The owner of a noncommunity water system or private water system which serves a transient population of less than 25 people each day must submit water samples quarterly to an EPA-certified laboratory for bacteriological analysis while the bed and breakfast establishment is in operation. The owner must submit a water sample for nitrate analysis yearly. The owner must report any unsafe water sample to the department within three days. When an unsafe drinking water sample is reported, the facility must provide two consecutive safe water samples prior to allowing public to use the private water supply. The water supply must be of sufficient quantity to meet the maximum daily demand. The use of common drinking containers in public places is prohibited.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: Water hygiene, art 74.04.

44:02:06:05. Ice. Ice must be manufactured, stored, transported, and handled in a sanitary manner. Processes and controls must be designed and monitored to ensure that neither the product nor the product area is subject to contamination. Ice must be dispensed with

scoops, tongs, or other ice-dispensing utensils or through automatic self-service ice-dispensing equipment. Ice-dispensing utensils must be stored on a clean surface or in the ice with the dispensing handle extending out of the ice. Scooping of ice with a cup, glass, or similar container is prohibited. Ice storage bins must be drained through an air gap. ~~When existing ice storage bins in areas accessible to the public are replaced, automatic self-service ice-dispensing equipment must be used.~~ Automatic self-service ice-dispensing equipment must be used when accessible to the public. Bagged ice from an approved source is acceptable.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References:

Food service establishments, ch 44:02:04. 44:02:07

State Plumbing Code, art 20:54.

Water hygiene, art 74:04.

44:02:06:06. Toilet and bathing facilities. Soap, toilet tissue, and clean washcloths and towels must be provided for each guest or guest room. Hot and cold running water under pressure must be provided to each lavatory, shower, bathtub, and shower/bathtub combination must be at a minimum of 110 degrees Fahrenheit and at a maximum temperature of 120 degrees Fahrenheit at the tap. Showers, bathtub and bathtub/shower combination shall be provided with individual control valves of the pressure balance, thermostatic or combination pressure balance/thermostatic mixing valve type that provide scald and thermal shock protection. Temperature of hot water at lavatories can not exceed 120 degrees Fahrenheit ~~at a maximum temperature of 120 degrees Fahrenheit at the tap.~~ Bathing or shower facilities must

have a nonslip floor surface such as a manufactured nonslip bathtub or shower unit, a rubberized throw mat, or adhesive-backed nonslip strips. All toilets, lavatories, and bathing fixtures must be kept clean, sanitary, and in good repair. Restroom fixtures are cleaned and sanitized at a minimum between guest stays. ~~Restroom fixtures are cleaned and sanitized daily.~~

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References: State Plumbing Code, art 20:54; ~~1994 Uniform Building Code 2006~~
International Building Code, § 2902.6.

44:02:06:08. Vermin control. Bed and breakfast establishments must be constructed, equipped, and maintained to prevent the entrance, harborage, or breeding of flies, roaches, rats, mice, and all other insects and vermin. Specific means necessary for the elimination of such pests, such as cleaning, renovation, or fumigation, must be used. The department may require the facility to hire a professional exterminator to exterminate pests under the following conditions:

(1) The infestation is so extensive that it is unlikely a nonprofessional can eradicate the pests effectively;

(2) The chosen method of extermination can only be carried out by a licensed professional exterminator;

(3) ~~Upon reinspection, the~~ The department finds evidence that an infestation is still present and the establishment has not taken proper steps to eliminate the vermin problem.

Regularly scheduled professional extermination services will be required following the determination of an excessive pest infestation by the department.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:06:09. Lighting. All rooms and areas used by guests and all other rooms or spaces in which lighting is essential to the efficiency and safety of the business operation must be well lighted. A minimum of 10 foot candles of nonglare light must be provided on all surfaces. Those areas used for reading, shaving, or application of cosmetics must be provided with a minimum of ~~20~~ 30 foot candles of light.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:06:10. Ventilation. Bathrooms and toilet rooms must be provided with either natural or mechanical ventilation connected directly to the outside. Mechanical clothes dryers must be vented to the outside air. When vented to the outside air, the discharge may not create a health hazard.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: ~~1994 Uniform Building Code~~ 2006 International Building Code,
§ 1203.3.

44:02:06:11. Heating equipment. Each facility must have a heating system capable of maintaining a temperature between 65 degrees Fahrenheit and 75 degrees Fahrenheit. ~~The heating system-~~ Any heating equipment, if fuel-burning, must be inspected at least once a year by a person in the business of heating system maintenance (which includes hot water heaters, primary heating sources, and secondary heating sources). A written verification of the inspection must be kept on file in the facility with the date of inspection, a written statement by the person making the inspection, and that person's signature.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: ~~1994 Uniform Building Code~~ 2006 International Building Code-,
§ 310.11.

44:02:06:13. Housekeeping. All parts of the bed and breakfast establishment and its premises must be kept neat, clean, in good repair, and free from litter and rubbish. Housekeeping operations and conditions may not constitute a health hazard. Cleaning operations must be conducted in a manner which minimizes contamination of facilities. A sanitizer and/or disinfectant must be used on all contact surfaces to prevent the spread of disease. All cleaners, sanitizers, and disinfectants must comply with 40 C.F.R. § 180.940. Cleaning equipment, supplies, insecticides, paints, and other toxic or hazardous products must be stored in a manner to minimize health risks. An ingredient label and "direction for use" label

on each chemical being used must be readily available for reference or inspection. All containers used for dispensing these chemicals must be prominently and distinctively labeled for identification of contents. The use of carpeting in toilet rooms and bathing facilities is prohibited.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:06:15. Water recreation facilities. All water recreation facilities, including swimming pools, spas, and water slides operated by a bed and breakfast establishment and used by guests or the public, must be designed, constructed, and maintained using the "Recommended Standards for Swimming Pool Design and Operation," ~~1982~~ 1996 edition, ~~and~~ "~~Suggested Health and Safety Guidelines for Public Spas and Hot Tubs,~~" ~~1985 revised edition.~~

The owner/operator of a swimming pool, spa, or other water recreational facility must collect and submit at least one water sample monthly while in operation for each swimming pool, spa, or other water recreational facility under the owner/operator 's control to an EPA-certified laboratory for bacteriological analysis. The owner/operator must report any unsafe water sample test results to the department within three days after receipt of such test results. Upon the receipt of a positive water sample the owner/operator of the facility must submit two consecutive negative samples prior to allowing guest use of the water recreational facility. A colorimetric test kit is required for the monitoring and adjusting of disinfectant levels and pH in a swimming pool, spa, or other water recreational facilities. A ~~daily~~ weekly log of disinfectant levels and pH must be maintained by the owner/operator of the facility.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: ~~ANSI/NSPI-1 1991, "Standard for Public Swimming Pools," 1991 edition.~~

References:

"Recommended Standards for Swimming Pool Design and Operation," ~~1982~~ 1996 edition, Great Lakes-Upper Mississippi River Board of State Sanitary Engineers. Copies are available from Health Education Service, P.O. Box 7126, Albany, NY 12224. ~~Cost: \$6.~~

~~"Suggested Health and Safety Guidelines for Public Spas and Hot Tubs," 1985 revised edition, U.S. Department of Health and Human Services. Copies available from U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, Center for Environmental Health, Atlanta, GA 30333. Cost: Free.~~

44:02:06:17. Potentially hazardous foods. Potentially hazardous foods requiring cooking must be cooked to heat all parts of the food to a temperature of at least ~~140~~ 135 degrees Fahrenheit. The food must be held at that temperature until it is served or it must be immediately refrigerated and held at ~~45~~ 41 degrees Fahrenheit or below, with the exception of the following:

(1) Poultry, poultry stuffings, stuffed meats, and stuffings containing meat must be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruptions in the cooking process;

(2) Pork and any food containing pork must be cooked to heat all parts of the food to at least ~~150~~ 145 degrees Fahrenheit;

(3) Roast beef ~~and cooked beef~~ must be prepared by a cooking procedure that produces a minimum temperature of 130 degrees Fahrenheit in all parts for a minimum of 2 hours of each roast unless otherwise ordered by the immediate consumer;

(4) All ground meats must be cooked to heat all parts of the food to at least 155 degrees Fahrenheit.

Noncorrosive metal stem-type numerically scaled indicating thermometers accurate to ± 3 degrees Fahrenheit must be provided and used to assure the attainment and maintenance of proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods.

44:02:06:18. Thawing potentially hazardous foods. Potentially hazardous foods must be thawed in the following manner:

- (1) In refrigerated units at a temperature not over ~~45~~ 41 degrees Fahrenheit;
- (2) Under potable running water of a temperature of 70 degrees Fahrenheit or below, with sufficient water velocity to agitate and float off loose food particles into the overflow;
- (3) In a microwave oven only when the food will be immediately transferred to conventional cooking facilities as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or

(4) As part of the conventional cooking process.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-25.

44:02:06:19. Food protection. While being stored, prepared, displayed, served, or transported, food must be protected from potential contamination. All food service operations must be carried out in a sanitary manner. Glasses, pitchers, ice buckets, and other utensils used for ice, food, or drink by guests must be cleaned and sanitized between guests.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-25.

44:02:06:21. Inspection of registered bed and breakfast establishments required. Each bed and breakfast establishment which is registered must be inspected for compliance with the provisions of this chapter by a representative of the department. ~~Initial inspections must be conducted by the Department of Health, with subsequent inspections conducted by the Department of Health or a representative who is trained and certified by the Department of Health.~~

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-18-25.1, 34-18-25.2, 34-18-26.

Law Implemented: SDCL 34-18-9.1, 34-18-9.2, 34-18-9.3, 34-18-9.4.

CHAPTER 44:02:08

VACATION HOMES

Section

44:02:08:01 Definitions.

44:02:08:02 Water supply.

44:02:08:03 Guest room toilet and bathing facilities.

44:02:08:04 Garbage and rubbish storage and disposal.

44:02:08:05 Vermin control.

44:02:08:06 Lighting.

44:02:08:07 Ventilation.

44:02:08:08 Heating equipment.

44:02:08:09 Cleanliness and storage of utensils.

44:02 08:10 Bedding and linen.

44:02:08:11 Housekeeping -- Maintenance of premises.

44:02:08:12 Hazardous condition.

44:02:08:13 Water recreation facilities.

44:02:08:14 Annual license fee.

44:02:08:01. Definitions. Words defined in SDCL 34-18-1 have the same meaning when used in this chapter. In addition, the terms used in this chapter mean:

(1) "Approved," acceptable to the Department of Health based on compliance with applicable standards and public health practices;

(2) "Communicable disease," as defined in § 44:20:01:01;

(3) "Community water system," a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents;

(4) "Designated agent," a municipal, county, or district health department which has been organized under SDCL chapter 34-3 and § 9-32-1 and has been designated as an agent of the secretary as provided in SDCL 34-18-7;

(5) "EPA-certified laboratory," a laboratory that meets the requirements outlined in chapter 74:04:07;

(6) "Guest," an occupant of a rental unit of a lodging establishment;

(7) "Guest room," any room used or intended to be used by a guest for sleeping purposes;

(8) "Health hazard," a chemical agent, source of filth, cause of sickness, or condition which is a health threat to others or a threat to the public health;

(9) "Inspection," an objective examination of a lodging establishment by the department to review the employee practices, sanitary conditions, and health standards in accordance with SDCL chapter 34-18 and this chapter;

(10) "Noncommunity water system," a public water system that is not a community water system and regularly serves a transient population of 25 or more people each day;

(11) "Operator," any person, or organization designated in charge of the day to day operations of a lodging establishment, campground, or food service establishment as defined in 34-18-1;

(12) "Vacation home establishment," any home, cabin or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen days in a calendar year and is not occupied by an owner or manager during the time of rental. This term does not include a bed and breakfast establishment as defined in subdivision 34-18-9.1(1).

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:08:02. Water supply. The owner must provide an accessible, adequate, and safe supply of water to a vacation home establishment. If a community water system of the quantity, quality, and pressure approved by the Department of Environment and Natural Resources is available, connection may be made to it and its supply used exclusively. The owner of a noncommunity water system or a private water system which serves a transient population of less than 25 people each day must submit water samples quarterly to an EPA-certified laboratory for bacteriological analysis while the vacation home establishment is in operation. The owner must submit a water sample for nitrate analysis yearly. The owner must report any unsafe water sample to the department within three days. When an unsafe drinking water sample is reported, the facility must provide two consecutive safe water samples prior to allowing public to use the private water supply. The water supply must be of sufficient quantity

to meet the maximum daily demand. The use of common drinking containers in public places is prohibited.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: Water hygiene, art 74.04.

44:02:08:03. Guest room toilet and bathing facilities. Each vacation home establishment must provide toilet, lavatory, and bathing facilities. In establishments providing toilet, lavatory, and bathing facilities shared by more than one guest room, the facilities must be provided in the ratio of one water closet, lavatory, and shower or bathtub or bathtub/shower combination for every ten guests. To determine the number of guests, a one bed unit is designated for two people, and a two bed unit is designated for four people. Soap, toilet tissue, and clean washcloths and towels must be provided for each guest or guest room. All facilities must be provided with hot and cold running water under pressure to each lavatory, shower, bathtub, and shower/bathtub combination must be at a minimum of 110 degrees Fahrenheit and at a maximum temperature of 120 degrees Fahrenheit at the tap. Showers, bathtub and bathtub/shower combination shall be provided with individual control valves of the pressure balance, thermostatic or combination pressure balance/thermostatic mixing valve type that provide scald and thermal shock protection. Temperature of hot water at lavatories can not exceed 120 degrees Fahrenheit. Bathing or shower facilities must have a nonslip floor surface, such as a manufactured nonslip bathtub or shower unit, a rubberized throw mat, or adhesive-backed nonslip strips. All toilets, lavatories, and bathing fixtures must be kept clean, sanitary,

and in good repair when the guest room is in use and between stays of different guests.

Restroom fixtures are cleaned and sanitized at a minimum between guest stays.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-References: State Plumbing Code, art 20:54; 2006 International Building Code.

44:02:08:04. Garbage and rubbish storage and disposal. Guest rooms must be provided with waste collection containers that are either lined with plastic bags or cleaned and sanitized between guests. All stored garbage and rubbish must be kept in leakproof, nonabsorbent containers which are kept covered with tight-fitting lids when filled, stored, or not in continuous use. Accessibility by insects, rodents, and other animals must be minimized. Disposal must be done at least twice weekly or as frequently as needed by volume or conditions. If an establishment collects and transports its own refuse, the refuse must be in covered leakproof nonabsorbent vehicles or containers. Disposal of garbage and rubbish may not create a health hazard.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:08:05. Vermin control. A vacation home establishment must be constructed, equipped, and maintained to prevent the entrance, harborage, or breeding of flies, roaches, rats, mice, bed bugs, and all other insects and vermin. Specific means necessary for the

elimination of such pests, such as cleaning, renovation, or fumigation, must be used. The department may require the facility to hire a professional exterminator to exterminate pests under the following conditions:

(1) The infestation is so extensive that it is unlikely a nonprofessional can eradicate the pests effectively;

(2) The chosen method of extermination can only be carried out by a licensed professional exterminator;

(3) The department finds that an establishment has not been brought into compliance with a prior order to rid the establishment of pests.

Regularly scheduled professional extermination services will be required following the determination of an excessive pest infestation by the department.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:08:06. Lighting. All rooms and areas used by guests and all other rooms or spaces in which lighting is essential to the efficiency and safety of the business operation must be well lighted. A minimum of 10 foot candles of nonglare light must be provided on all surfaces. Those areas used for reading, shaving, or application of cosmetics must be provided with a minimum of 30 foot candles of light.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:08:07. Ventilation. Bathrooms, toilet rooms, and laundry rooms must be provided with either natural ventilation or mechanical ventilation connected directly to the outside. Mechanical clothes dryers must be vented to the outside air. When vented to the outside air, the discharge may not create a health hazard.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: 2006 International Building Code

44:02:08:08. Heating equipment. Each facility must have a heating system capable of maintaining a temperature between 65 degrees Fahrenheit and 75 degrees Fahrenheit. Any heating equipment, if fuel-burning, must be inspected at least once a year by a person in the business of heating system maintenance (which includes hot water heaters, primary heating sources, and secondary heating sources). A written verification of the inspection must be kept on file in the facility with the date of inspection, a written statement by the person making the inspection, and that person's signature.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

Cross-Reference: 2006 International Building Code

44:02:08:09. Cleanliness and storage of utensils. Glasses, pitchers, ice buckets, and other utensils used for ice, food, or drink must be washed, rinsed, and sanitized between guests. All cleaners, sanitizers, and disinfectants must comply with 40 C.F.R. § 180.940. The washing and sanitizing facilities must be provided as follows:

(1) Utensils must be washed, rinsed, and sanitized manually utilizing a three step process. Sink compartments must be large enough to permit the accommodation of the equipment and utensils. Each compartment of the sink must be supplied with hot and cold potable running water. Drain boards must be provided for the air drying of the sanitized utensils;
or

(2) Utensils must be washed, rinsed, and sanitized by the use of a chemical or hot water sanitizing ware washing machine. When a home style ware washing machines is utilized, the sanitizing water temperature must attain a minimum of 150 degrees Fahrenheit. All utensils must be allowed to air dry.

After washing and sanitizing all utensils must be wrapped, sealed, or stored in a manner that protects them from contamination.

Source: SL 1975, ch 16, § 1; 6 SDR 93, effective July 1, 1980; 20 SDR 204, effective June 8, 1994.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:08:10. Bedding and linen. A vacation home establishment must furnish each guest with clean sheets and pillow cases for the bed, bunk, or cot to be occupied by the guest. Sheets must be of sufficient width and length to cover the mattress completely. All bath linen, sheets, and pillow cases used by one guest must be washed and mechanically dried before being furnished to another guest. All bedding, including mattresses, mattress pads, quilts, blankets, pillows, sheets, and spreads, and all bath linen must be kept clean, in good repair, and stored in a sanitary manner. Soiled linens, uniforms, and other garments must be kept separate from clean linens to prevent cross-contamination. All clean linens must be stored on smooth, nonabsorbent, cleanable surfaces located a minimum of six inches above the floor.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:08:11. Housekeeping -- Maintenance of premises. All parts of the vacation home establishment and its premises must be kept neat, clean, in good repair, and free from litter and rubbish. Housekeeping operations and conditions may not constitute a health hazard. Cleaning operations must be conducted in a manner which minimizes contamination of facilities. A sanitizer and/or disinfectant must be used on all contact surfaces in toilet, bathroom, and bathing facilities to prevent the spread of disease. All cleaners, sanitizers, and disinfectants must comply with 40 C.F.R. § 180.940. Cleaning equipment, supplies, insecticides, paints, and other toxic or hazardous products must be stored in a manner to minimize health risks. An ingredient label and "direction for use" label on each chemical being used must be readily available for reference or inspection. All containers used for dispensing these chemicals must be prominently and distinctively labeled for identification of contents. The use of carpeting in toilet rooms and bathing facilities and kitchens is prohibited.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:08:12. Hazardous condition. If, during the course of a routine inspection, an obvious health hazard or other hazardous condition is discovered which presents an imminent danger to individuals, the department may require the owner of the vacation home establishment to remove or correct the hazardous condition.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

44:02:08:13. Water recreation facilities. All water recreation facilities, including swimming pools, spas, and water slides operated by a vacation home establishment and used by guests or the public, must be designed, constructed, and maintained using the "Recommended Standards for Swimming Pool Design and Operation," 1996 edition

The owner/operator of a swimming pool, spa, or other water recreational facility must collect and submit at least one water sample every two weeks for each swimming pool, spa, or other water recreational facility while in use under the owner's/operators control to an EPA-certified laboratory for bacteriological analysis. The owner/operator must report any unsafe water sample test results to the department within three days after receipt of such test results. Upon the receipt of a positive water sample the owner/operator of the facility must submit two consecutive negative samples prior to allowing guest use of the water recreational facility. A

colorimetric test kit is required for the monitoring and adjusting of disinfectant levels and pH in a swimming pool, spa, or other water recreational facilities. A weekly log of disinfectant levels and pH must be maintained by the owner/operator of the facility while the facility is being rented out to the public.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-22.

Law Implemented: SDCL 34-18-22, 34-18-24.

References:

"Recommended Standards for Swimming Pool Design and Operation," 1996 edition,
Great Lakes-Upper Mississippi River Board of State Sanitary Engineers.

44:02:08:14. Annual license fee. The annual license fee for a vacation home establishment is \$30.00.

Source: 23 SDR 75, effective November 19, 1996.

General Authority: SDCL 34-1-17, 34-18-11, 34-18-22.

Law Implemented: SDCL 34-18-11.